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Members of the Senate Judiciary Committee:

The ACLU of Michigan and Planned Parenthood Advocates of Michigan urge you to vote against Senate Bill 1059. We are concerned that this bill will hinder a woman's right to comprehensive, safe, and legal reproductive health care. The following is a list of reasons we oppose the bill:

### **Further Restrictions on Judicial Bypass are Unnecessary**

Statistics show the changes to the current law are not needed. In order to address this issue, we have looked at the current statistics regarding teen pregnancy in Michigan and how the current Parental Consent Law of 1990 is functioning. In 2006, the Michigan Department of Community Health reports that there were 180,825 pregnancies, and, of those, 127,537 resulted in live births to women in Michigan. Of those, only 3% were from teen mothers age 15 to 17. In 2006, there were 24,905 abortions; only 1,589 of those were provided for minors less than 18 years of age. That means only 6% of all abortions in Michigan are given to minors or less than 1% of all pregnancies in Michigan end as a result of an abortion obtained by a minor. Of that less than 1%, let us consider those minors obtaining a judicial bypass. According to the State Court Administrative Office web site, 381 parental consent waivers were filed, not granted, but filed in Michigan in 2006. If we were to assume that all of those waivers were granted, that would still mean that 76% of all Michigan minors wishing to gain access to abortions did so by discussing it with their parents and obtaining approval.

According to the Michigan Department of Community Health, since the Parental Consent law of 1990, abortions for minors have been cut by more than half. Based on the facts and figures from the Michigan Department of Community Health and the State Court Administrative Office, this legislation is simply unnecessary.

### **Further Restrictions on Judicial Bypasses are Dangerous**

Loving and responsible parents should be involved when their daughters face crisis pregnancies. Generally, parents hope that a child confronting a crisis will seek the advice and counsel of those who care for her most and know her best. In fact, even in the absence of laws mandating parental involvement, many young women turn to their parents when they are considering abortion. The government, however, cannot mandate healthy family communication where it does not exist. Unfortunately, some young women feel they cannot involve their parents. Legislation like this, which further restricts minors' access to abortion, can actually harm the teens and families it purports to protect by increasing illegal abortions and self-induced abortions, family violence, and suicide. Senate Bill 1059 does not solve the problem of minors not communicating with their parents.

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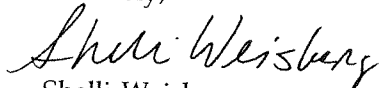
### **Senate Bill 1059 Goes Far Beyond U.S. Supreme Court Standards**

This bill will also impede most minors' ability to prove the necessary elements required to obtain a bypass. The requirement that a minor must prove that she is as mature as a person the age of majority will unconstitutionally burden the minor's right to seek an abortion. The Supreme Court, in *Belotti v. Baird*, 443 U.S. 622, 643 (1979), has already established the requirements that a judicial bypass should consider: 1) she is sufficiently mature and well-informed to decide independently to have an abortion; or 2) even if she is not sufficiently mature and well-enough informed, that the abortion would be in her best interest. In *Belotti*, it required only that the minor prove she is sufficiently mature to make this decision, not that she is as mature as an adult as is set forth in this legislation. Additionally, many of the factors listed to determine maturity could be used prejudicially to imply immaturity. For example, the court could decide that a person who didn't use adequate contraception to prevent a pregnancy is not mature, even though adults often face unintended pregnancy. Or, that someone who still lives with, or depends financially upon, their parents is not mature, even though this is standard behavior for minors.

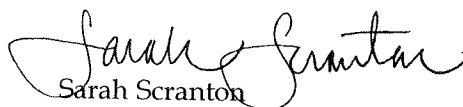
### **Better Ways to Reduce Abortions**

Ultimately, the purpose of this bill is to have fewer pregnancies end in abortion each year. On this, we agree. We need to reduce unintended pregnancies in Michigan, especially for minors. Let us work together and spend our resources on proactive legislation to prevent unintended pregnancies. Let us focus on improving access to family planning, contraception, and providing medically accurate abstinence-plus education to our young people. If we want to work together to reduce the number of abortions in Michigan, surely these efforts focused on preventing unintended pregnancies would be a better place to begin.

Sincerely,



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American Civil Liberties  
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Sarah Scranton  
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